

May 12, 2005
Attorney Docket No.: us010387
Serial No.: 09/808,002
Filed: March 15, 2001

REMARKS

Applicants respond hereby to the Office Action dated January 13, 2005.

Applicant has amended claims 1-15, and presents newly added claims 21-23, in order to place the application in better conformance to US practice. The claims amendments presented respond substantially to the claim rejections under 35 USC § 112, second paragraph (pars. 2 and 3 of the OA), and the rejection of claims 1-7 under 35 USC § 101 (par. 4 of the OA). Applicant's claims as amended clearly distinguish from US Patent No. 6,611,846 under 35 USC § 102(e), and from the combination of the '846 in view of US Patent No. 5,851,186 under 35 USC § 103(a). No new matter has been added. Allowance of claims 1-20, and passage to issue is respectfully requested.

Response To Rejections Under 35 USC § 102(b)

Claims 1-4, 6-11, 13-18 and 20 were rejected under 35 USC § 102(e) as unpatentable over US Patent No. 6,611,846 to Stoodley, as set forth in paragraph 7 of the outstanding office action.

The Examiner asserts that Stoodley discloses a report downloaded to a computer (col. 15, lines 4-16) with a stored list of diagnosis to be selected by a user (Fig. 2A and 2D, col. 10, lines 11-30), fields for displaying test results for a given patient in a table, by a central server (col. 10, line 66, through col. 11, line 6; col. 15, lines 4-16; col. 15, lines 29-67 and col. 17, lines 5-15. The Examiner further asserts that her construction of the claim language "the measurement replacing the field" renders it equivalent functionally to "inserting results into a table with fields."

Applicant respectfully disagrees. Applicant's independent claim 1 sets forth an electronically generated and computer-readable medical report. The report is computer readable and includes at least one predetermined field arranged within the medical report that includes data representative of a medically relevant characteristic; wherein the data representative of said medically relevant characteristic is automatically inserted into said at least one predetermined field upon report generation.

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Claim 8 sets forth (Currently Amended) a system for electronically generating a medical report, The system includes a report generator for generating an electronic medical report, , the medical report comprising at least one predetermined field to hold data representative of medical characteristic, wherein the report generator includes an interface for receiving data input, and wherein upon automatic generation of the medical report, a measured value defining a medical characteristic is inserted into the field so that the generated medical report is included with the medical characteristic.

Applicants claim 15 sets forth a method of electronically generating a medical report including a plurality of fields representative of a plurality of medical conditions. The method includes electronically selecting a medical condition for inclusion within the medical report and inserting a measurement corresponding to the selected medical condition when the medical report is generated whereby the measurement replaces the field.

In contrast, Stoodley is directed to the user interface where lists of data may be displayed and compared, rather than the automatic generation and insertion of a detected medical characteristic each time a report is generated. While the Examiner asserts that Stoodley's fields for displaying test results for a given patient in a table, by a central server (col. 10, line 66, through col. 11, line 6; col. 15, lines 4-16; col. 15, lines 29-67 and col. 17, lines 5-15), Stoodley does not teach or suggest a medical report, system for generating a medical report, and method which includes data fields for inclusion in the report of data representative of a medically relevant characteristic where the data representative of said medically relevant characteristic is automatically inserted into said at least one predetermined field upon report generation, a limitation in each of applicant's independent claims.

Accordingly, applicant respectfully asserts that independent claims 1, 8, 15 (and new claim 23) are patentably distinct from Stoodley under 102(e), for at least the reasons set forth, and requests withdrawal of the rejections to claims 1, 8 and 15 under Section 102 for at least the reasons set forth. Moreover, because dependent claims 2-4, 6-7, 9-11, 13-14, 16-18 and 20 depend from independent claims 1, 8 and 15,

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applicant respectfully asserts that claims 2-4, 6-7, 13-14, 16-18 and 20 are patentably distinct from Stoodley under Section 102, and respectfully requests withdrawal of the rejection of those claims.

Response To Rejections Under 35 USC § 103

Claims 5, 12 and 19 were rejected under 35 USC § 103(a) as unpatentable over Stoodley as applied to independent claims 1, 8 and 15, as set forth above re 102(e), and further in view of US Patent No. 5,851,185 to Wood, et al.

Examiner Bleck asserts that Stoodley fails to disclose report updating the measurement at the time the report is generated, and every time the report is viewed, but that Wood discloses the use of a one-click update button which compels and HTTP server and CGI program to update a remotely displayed image (col. 11, line 29-col. 12, line 11), and that it would have been obvious to the skilled artisan to combine Stoodley with Woods to realize applicant's inventions as set forth in claims 5, 12 and 19.

The Examiner further asserts that the inherent motivation for combining the two references (presuming the combined references realize what is claimed) is found in Wood at col. 11, line 54 to col. 12, line 11: desirability of performing exams and reviewing data remotely.

Applicant respectfully disagrees.

That is, and as stated above, Stoodley does not teach or suggest a medical report, system for generating a medical report, and method which includes data fields for inclusion in the report of data representative of a medically relevant characteristic where the data representative of said medically relevant characteristic is automatically inserted into said at least one predetermined field upon report generation, a limitation in each of applicant's independent claims.

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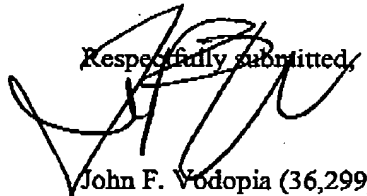
Hence, and assuming arguendo, even if Wood includes the features set forth at paragraph 9 of the outstanding office action, the combination would not be obvious under Section 103 for a number of reasons. First, there is no teaching or suggestion in either reference for combining the two. Second, the combination would not include the essential elements, which are not found in Stoodley. Hence, claims 5, 12, and 19 are patentable under 103(a) in view of the Stoodley/ wood combination for at least the reasons set forth above with respect to the rejection under 102 in view of Stoodley. Applicant, therefore, respectfully requests withdrawal of the rejection of claims 5, 12 and 19.

Conclusion:

If any points remain in issue that may best be resolved through a personal or telephonic interview, Examiner Bleck is respectfully requested to contact the undersigned at the telephone number listed below.

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Respectfully submitted,



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